

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 25, 2003 PLANNING COMMISSION MEETING

P.A.S.: Combined Pre-Existing Use Permit/Special Permit #10A

PROPOSAL: Revise the boundary of the Use Permit to reflect right-of-way acquisition along "O" St and N. 66th St. Reduce front yard setback for pads 1, 4 and 6. Correct the site plan in the parking area located north of Pads 3 & 7.

LOCATION: N. 66th St. and "O" St.

LAND AREA: 19.47 acres, more or less

CONCLUSION: The buildings in question were constructed in accordance with B-5 standards prior to the widening of "O" St. & N. 66th St. With the street widening the front yard setback was reduced below 50', making the buildings non-standard. The applicant was awarded \$275,381.00 for damages, which included the buildings becoming non-standard. Any rebuilding should comply with the front yard standards, which are intended to promote green space along the City's major corridors.

<u>RECOMMENDATION:</u>

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING ZONING: B-5, Planned Regional Business District.

EXISTING LAND USE: Commercial--East Park Plaza

SURROUNDING LAND USE AND ZONING:

North: I-1, Industrial
South: B-1, Local Business District
East: B-5, Planned Regional Business District
West: B-5, Planned Regional Business District

HISTORY:

September 9, 1996 Combined Pre-Existing Use Permit/Special Permit No.10 to increase the number of theater screens and add 6,656 square feet of retail was approved by City Council.

The zoning for this area was changed from “G” Local Business to B-5 Planned Regional Business in the 1979 zoning update and designated as Pre-Existing Use Permit No. 1.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan shows this area as commercial.

General Principles for all commercial uses include:

“so that they enhance entryways or public ways corridors, when developing adjacent to these corridors.”

“in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.” (F38)

Make “greenspace” an integral part of all environments--“Green space” can come in a wide variety of forms. The policies of the Comprehensive Plan strive to incorporate such uses in the full range of urban and rural landscapes. (F37)

Prevent the creation of a “wall-to-wall city” through the use of green space partitions-- As cities and villages expand, establishing corridors and districts of green should be part of the growth process. (F57)

Buildings should be compatible in terms of height, building materials and setback. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials. (F42)

TRAFFIC ANALYSIS:

“O” Street is classified as a principal arterial. “O” St. is currently under construction to become 6 lanes plus turn lanes.

N. 66th Street is classified a minor arterial. N. 66th St. from “O” St. to “Q” St. is currently under construction to become 4 lanes plus turn lanes.

ANALYSIS:

1. This application is to reduce setbacks due to the street widening project on “O” Street and N. 66th Street.

2. Due to the street widening of "O" Street and N. 66th Street, the distance from the existing buildings to the property line has been reduced to less than the required 50 feet.
3. The applicant is requesting to retain all rights to remodel, renovate, reconstruct or replace these buildings within the existing building envelope or within building envelopes located an equal distance from the public right-of-way as the existing envelopes.
4. This area is zoned B-5. The B-5 zoning district requires a 50' front yard. The required front yard shall be entirely landscaped.
5. The applicant's letter states that the front yard setback for Pad 4 was reduced due to right-of-way acquisition. The building on Pad 4 was built less than 50' from the front property line and became nonstandard when this area was rezoned to B-5.
6. The right-of-way acquisition resulted in Pads 1&6 becoming nonstandard. Lincoln Municipal Code §27.03.460 defines nonstandard use as follows:

Nonstandard use shall mean the category of nonconformance consisting of lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this title or which become nonstandard through a change in the zoning ordinance or district boundaries that fail to comply with any of the following: minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this title.

7. The applicant was awarded \$275,381.00 in damages resulting from the street widening project. The City acquired approximately 7,927 square feet of property for the street widening.
8. The 2025 Comprehensive Plan encourages open space and green space along major corridors. More intrusive buildings within Commercial Centers should have greater setbacks and screening requirements.
9. Landscaping should be increased proportionately to the reduced setback.
10. The new boundary reflects the property line after right-of-way acquisition.
11. The request to amend the parking layout reflects the actual parking stalls on site

12. The landscape plan has not changed from the previously approved plan. However, some of the landscaping shown adjacent to Pad 1 has been removed. The landscaping that has been removed should be replanted.

If the City Council chooses to approve this application the following conditions should apply.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 The correct property line along "O" St. and N. 66th St. There are several areas where dual property lines are shown.
 - 1.1.2 Delete the cloud around the parking area east of Pad 5 & 6.
 - 1.1.3 Delete the cloud around "Pad 7".
 - 1.1.3 Increase the amount of landscaping shown on the site plan adjacent pad site 1 by 26 percent.
 - 1.1.4 Delete the reference to Original Use Permit No.1 and Actual Stalls to Date from Parking Stall Totals table.
2. This approval permits a reduction in front yard setback for Pad 1 to 37'; Pad 4 to 44' and a portion of Pad 6 as shown on the site plan to 33'.
3. Submit a surety to guarantee the landscaping south of Pad 1, the amount of the surety to be determined by Parks and Recreation Department.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 All development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Tom Cajka
Planner

DATE: June 12, 2003

APPLICANT: Flowerview Associates
99 Park Avenue
New York, NY

OWNER: same as applicant

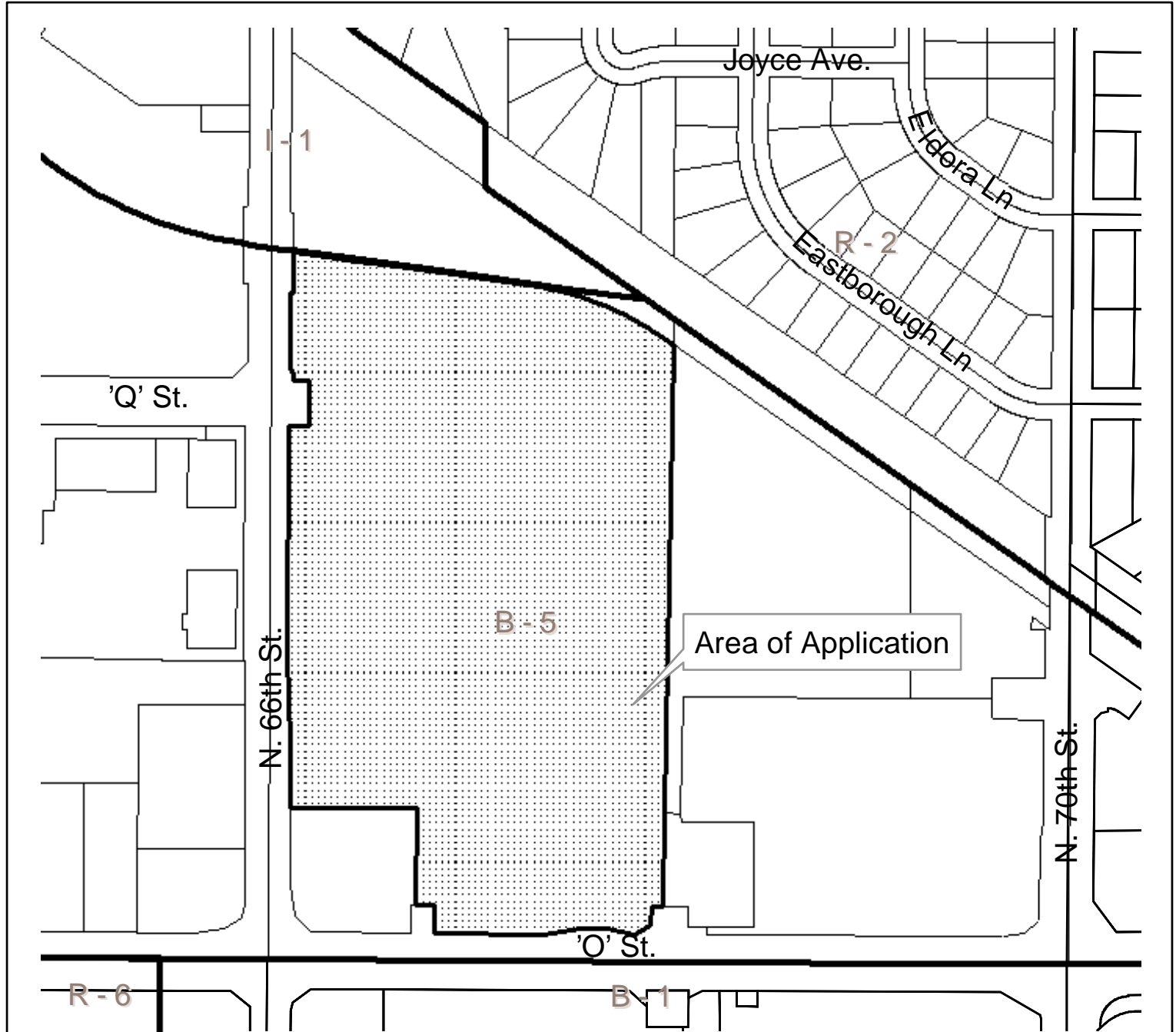
CONTACT: J.D. Burt
Design Associates
1609 "N" St.
Lincoln, NE 68508

F:\FILES\Planning\PC\PERMITS\PEUP\PEUP10A East Park Plaza.tjc.wpd



Pre-Existing Use Permit #10A
66th & 'O' St.
East Park Plaza





Pre-Existing Use Permit #10A

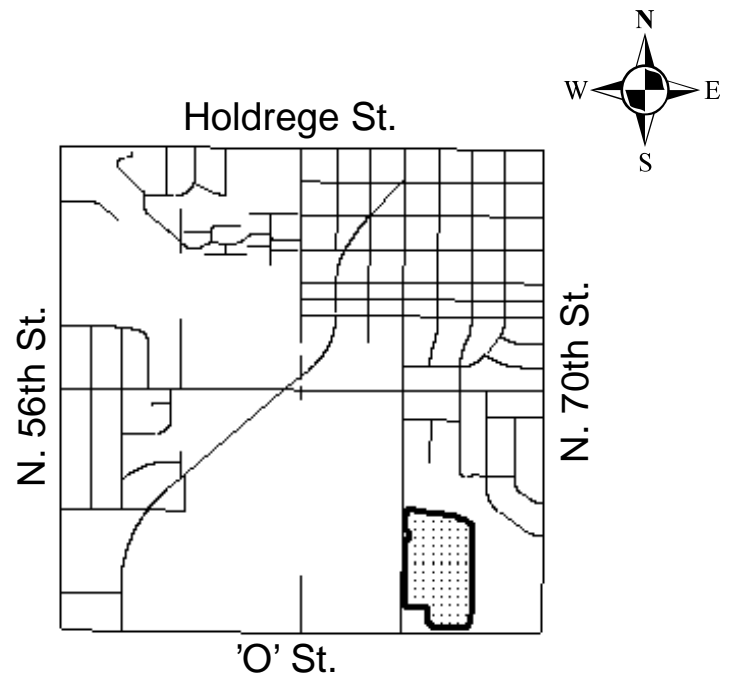
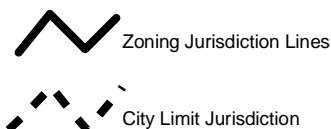
66th & 'O' St.

East Park Plaza

Zoning:

One Square Mile
Sec. 21 T10N R7E

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District



OT 245 I.T.
1 INVESTMENT GROUP

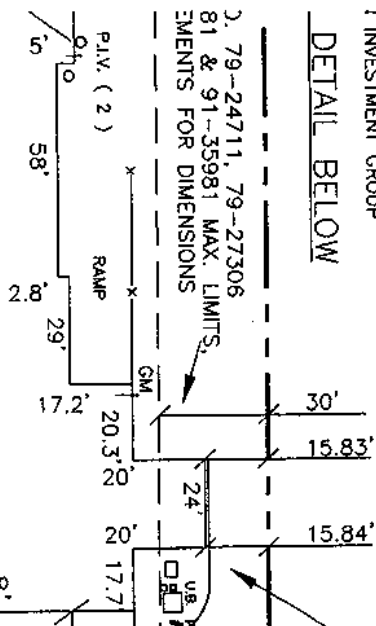
DETAIL BELOW

2. 79-24711, 79-27306
81 & 91-35981 MAX. LIMITS,
EMENTS FOR DIMENSIONS

0 No. 66th STREET
13,523.05 sq.ft.

PAD 2

B



NOTE: FREEZER ENCLOSURE AT SOUTHEAST
CORNER OF RUSS'S B & R IGA OCCUPIES
A PORTION OF THE EASEMENT TO
CENGAS AS SHOWN

STATE OF NEBRASKA R-1
EASEMENT INST. NO. 70-

PROPERTY LINE

ASPHALT PAVING 5-JPG

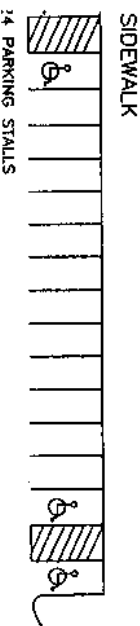
PAD 1
6,656 sq.ft.

37'

37'

- 1-DOY
- 1-REE
- 3-BHS
- 2-DOY
- 3-BHS
- 3-BHS
- BUS STOP SHELTER
- 1-REE
- 1-DOY

ASPHALT PAVING



24 PARKING STALLS

20' STORM SEWER
EASEMENT INST.
NO. 80-4088-89

50.0'

STREET

LEGEND

- PP = POWER POLE
- LP = LIGHT POLE
- TSP = TRAFFIC SIGNAL POLE
- PMT = PAD MOUNTED TRANSFORMER
- FH = FIRE HYDRANT
- WV = WATER VALVE
- CV = GAS VALVE
- GM (#) = GAS METER (# OF)
- 3 = TREE
- = CORNERS FOUND AS NOTED
- = CORNERS SET, #5 REBAR & LS #483 CAP
- M = MEASURED
- P = PLATTED
- UB = UTILITY BOX
- +S = SIGN
- ⊗ = HANDICAPPED PARKING STALL
- MH = MANHOLE
- EM = ELECTRICAL MANHOLE
- VCP = VITRIFIED CLAY PIPE
- RCP = REINFORCED CONCRETE PIPE
- CIP = CONCRETE IRON PIPE

SCALE : 1" = 50'

1) BASE LAND USE AND
LANDSCAPE PLAN AS PREPARED
BY ROSS ENGINEERING, INC.

2) FRONT YARD SETBACKS ARE
HEREBY REDUCED TO THE
DIMENSIONS SHOWN FOR EXISTING
BUILDINGS THAT ARE A RESULT OF
RIGHT-OF-WAY ACQUISITIONS BY
CITY OF LINCOLN FOR STREET
WIDENING PURPOSES.

1.T.; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 260, I.T. A DISTANCE OF 440.33 FEET; THENCE NORTH ALONG A LINE WHICH
RSE, A DISTANCE OF 0.37 FEET; THENCE EAST ALONG A LINE WHICH DEFLECTS 89°50'44" RIGHT FROM THE LAST DESCRIBED COURSE
NE WHICH DEFLECTS 9°55'11" LEFT FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 69.66 FEET; THENCE EAST ALONG A LINE
COURSE, A DISTANCE OF 50.85 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH DEFLECTS 12°00'00" RIGHT FROM THE LAST
RTHEASTERLY ALONG A LINE WHICH DEFLECTS 40°54'16" LEFT FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 35.65 FEET;
T FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 36.20 FEET; THENCE EAST ALONG A LINE WHICH DEFLECTS 90° RIGHT FROM

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

May 27, 2003

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

MAY 27 2003

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

RE: Administrative Amendment
Pre-Existing Use Permit/Special Permit
East Park Plaza
66th and "O" Street

Mr. Krout,

Attached for review and approval, please find six (6) copies of a proposed amendment to the reference development. This amendment requests approval of minor changes to the approved plan for East Park Plaza. The proposed changes to the plan are identified as Revision "C". These revisions are as follow:

Boundary.

This amendment is being requested to revise the boundary of the approved site plan to reflect right-of-way acquisitions along the property's "O" Street and 66th Street frontage that were necessary to accommodate recent street widening projects. These acquisitions are located at the north approach of 68th Street at "O" Street; along the entire "O" Street frontage; along the 66th Street frontage adjacent to Pads 4 and 7; and at the east approach of "Q" Street at 66th Street.

Required Setbacks.

This amendment proposes to identify and formalize setback requirements along the property's "O" Street and 66th Street frontages that have been reduced as a result of right-of-way acquisition by the city. The referenced right-of-way acquisitions have resulted in the reduction of front yard setbacks for Pads 1, 4 and 6 to 37', 44' and 33', respectively, from the 50' required setback of the zoning district that was required and provided at the time these buildings were constructed.

It is the desire of the property owner to retain all rights to remodel, renovate, reconstruct or replace these buildings within the existing building envelopes or within building envelopes located an equal distance from the public right-of-way as the existing envelopes.

Parking.

This amendment also requests corrections to the site plan in the parking area located north of Pads 3 and 7. During preparation of the attached site plan, variations in dimension of the site plan and platted property lines were discovered. Field investigation revealed the parking area within the limits of the amendment did not correspond with the approved site plan. The attached plan shows the measured limits of the parking area and existing parking stall count.

This variation in the northerly portion of the site has resulted in a reduction of parking stalls on the site as shown on in the Building and Parking Stall Summary. This reduction of 32 stalls from 1,229 to 1,197 stalls continues to exceed the city minimum requirement of 1,184 stalls.

Landscaping.

No changes are proposed to the approved landscape. However, landscaping within the limits of the revised parking area has been relocated to reflect revisions to the site plan.

Thank you in advance for your favorable consideration to the proposed revisions to the East Park Plaza development plan.

Please advise if additional information is desired for approval of this request.

Sincerely,



J.D. Burt
For the firm

